



PATENT
ATTORNEY DOCKET NO. 042715-5015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Yasuhiro Takaki et al.)	Confirmation No.: 6840
)	
Application No.: 10/527,053)	Group Art Unit: 2627
)	
Filed: March 9, 2005)	Examiner: M. Rivero
)	
For: WAVEFRONT ABERRATION)	Mail Stop Amendment
CORRECTING DEVICE AND)	
OPTICAL PICKUP DEVICE)	
EQUIPPED WITH SAME)	

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop Amendment
Alexandria, VA 22314
Sir:

AMENDMENT

In response to the Office Action dated May 31, 2006, the period for reply which extends through August 31, 2006, please amend the above-identified application as follows:

3. DCT
IFW
1AP15 Rec'd PCT/PTO 04 AUG 2006



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Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop Amendment
Alexandria, VA 22314
Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated May 31, 2006.
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Corrected Fee Calculation for National Stage Application (37 C.F.R. §1.492(a)(1)-(5)).

The Filing Fee Calculation Chart below correctly includes fees for the first presentation of multiple dependent claims and additional total claims fees that were inadvertently omitted from the application filed on March 9, 2005. The total fee due is \$2,520.00 (small entity). With the fees previously paid (\$540.00) being deducted, and the remainder fees due are **\$1,980.00**.

☒ The Commissioner is hereby authorized to charge **\$1,980.00** to Deposit Account 50-0310.

NATIONAL STAGE BASIC FEE AMOUNT =				\$300.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(e)).				\$
<u>Claims</u>	<u>Number Filed</u>	<u>Number Extra</u>	<u>Rate</u>	
Total Claims	92 - 20 =	72	X \$50.00	\$3,600.00
Independent Claims	2 - 3 =	0	X \$200.00	\$
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$360.00
Application Size Fee - \$250.00 for each additional 50 sheets that exceeds 100				\$
Search Fee			\$500.00	\$500.00
Examination Fee			\$200.00	\$200.00
TOTAL OF ABOVE CALCULATIONS				\$4,960.00
Reduction by ½ for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. §§ 1.9, 1.27, 1.28)				- \$2,480.00
SUBTOTAL =				\$2,480.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(f)).				+\$
TOTAL NATIONAL FEE =				\$2,480.00
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The Assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property				\$40.00
TOTAL FEES ENCLOSED =				\$
Amount to be refunded				\$
Amount to be charged				\$2,520.00

5. Amendment Fee Calculation (37 C.F.R. §1.16)

The following Amendment Fee Calculation Chart is based upon the corrected payment of fees represented in the Filing Fee Calculation Chart on the previous page.

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	36	minus	92	0	x \$50 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$200 each=	+ \$
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$

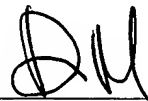
6. Fee Payment for Amendment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge \$ 1,980.00 for the previous underpayment of fees to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: _____



David B. Hardy
Reg. No. 47,362

Dated: August 4, 2006

Customer No. 009629

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202-739-3000